

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PETER HANDY
5080 Spectrum Drive
Suite 800W
Addison, Texas 75001

Plaintiff

BRIAN MCCORMICK
444 Ferry Point Road
Annapolis, MD 21403

Defendant

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* Civil Action No. 09-cv-02306-JFM

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ANSWER AND AFFIRMATIVE DEFENSES

Brian A. McCormick (“Defendant”), by undersigned counsel, in answer to the Complaint filed by Peter Handy (“Plaintiff”), by like numbered paragraphs, states as follows:

1. Defendant lacks the knowledge or information sufficient to form a belief as to the truth of the allegations.
2. Admitted in part, denied in part. Defendant admits that he is domiciled in the State of Maryland, but denies that he is domiciled at the address set forth in the Complaint.
3. Admitted.

COUNT I

4. Admitted in part, denied in part. Defendant admits that from 2001 through 2008, he executed a series of promissory notes payable to the Plaintiff. Defendant denies that his e-mail of April 16, 2009 “reaffirmed” any obligation of the Defendant to the

Plaintiff. The terms and conditions of the promissory notes executed by the Defendants (the overwhelming majority of which became due between June of 2004 and June of 2005) speak for themselves.

5. Denied. The Defendant denies that he owes \$1,539,429.92 to the Plaintiff as of September 1, 2009.

6. The promissory notes speak for themselves, and any attempt to summarize or re-characterize the same is denied.

AFFIRMATIVE DEFENSES

Defendant, by counsel, asserts the following affirmative defenses:

1. The Plaintiff's claims, or some of them, are barred by the statute of limitations.
2. The Plaintiff's claims, or some of them, are barred by release, payment, or assignment.
3. The Plaintiff's claims, or some of them, are barred by accord and satisfaction.
4. The Plaintiff's claims, or some of them, are barred by waiver.
5. The Plaintiff's claims, or some of them, are barred by the doctrine of laches.
6. The Plaintiff fails to state a claim on which relief can be granted.

WHEREFORE, the Defendant Brian A. McCormick requests that this Honorable Court:

1. Dismiss the Complaint;
2. Deny all of the Plaintiff's requests for relief: and

3. Grant such further relief as the Court deems just.

Respectfully submitted,

/s/

Edward G. Price (Bar No. 27494)

Triton Middle East, LLC

410 Severn Avenue

Suite B412

Annapolis, MD 21403

410-295-3180 ext. 301

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2009, a copy of the foregoing Answer was electronically filed and sent via first class mail, postage prepaid, to:

Joel S. Aronson
Lerch, Early & Brewer, Chtd.
3 Bethesda Metro Center – Suite 460
Bethesda, MD 20814

Attorneys for Plaintiff

/s/
Edward G. Price